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EXAMINER

DURNFORD GESZVAIN, DILLON

ART UNIT PAPER NUMBER

2622

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/000,029

Applicant(s)

SESEK ET AL.

Examiner

Dillon Durnford-Geszvain

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-- The MAILING DATE of this communication appears on th cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13, 15-17 and 19-28 is/are rejected.
- 7) ☒ Claim(s) 12 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2622.

Response to Amendment

2. Claims **1-17** and **19-28** are pending, claim **19** has been amended to correct dependency and claim **18** was previously cancelled.

Response to Arguments

3. Applicant's arguments filed 3/9/2006 have been fully considered but they are not persuasive. Regarding the rejection of claim 1 the Applicant alleges that Ward et al. does not teach the claimed transfer logic of transferring image data and connection instructions to a cellular device. The Examiner cannot agree. In fact Ward et al. does teach sending images to an internet service provider as the Applicant points out. However, Ward et al. suggests using a cellular phone network to which the camera's internal communication interface is attached to send these images ([0015] lines 8-10). The camera must send these images first to the cellular device (a cellular tower or relay for instance) before they are then sent to the internet service provider. Ward et al. also teaches that the network configuration file is used to establish a connection with the ISP and therefore it must send these connection instructions, such as a phone number, protocol etc. ([0015] lines 12-13), to the cellular device so that it can establish the connection with the ISP.

In response to applicant's argument that the references fail to show certain

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features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the cellular device of claim 1 is a cellular phone) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The remainder of the Applicant's arguments are analogous to the arguments directed to claim 1.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-3, 7-11, 17, 19, 21, 22 and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,893,037 (Reele et al.) in view of US Pre-Grant Publication 2001/0022618 (Ward et al.).

As to claim 1, Reelee et al. teaches a digital camera 10 comprising: an imaging system (comprised of 44, 46 and 48) that detects light and generates a digital image representative of the detected light (Column 1 lines 63 to Column 2 line 4); a memory 52 that stores images generated by the imaging system (Column 2 lines 4-9 and Fig. 3); a user interface 22 for receiving instructions from a user including a transfer instruction to transmit one or more selected digital images to a selected address (the address in this case being the cellular phone 28) (Column 5 lines 38-43); a wireless radio

frequency transceiver (see Note 1 below) for establishing data communication with a cellular device having a compatible wireless radio frequency transceiver by transmitting and receiving radio frequency signals (Column 3 lines 10-12); and a microprocessor 50 for controlling the imaging system (44,46 and 48), the memory 52, the user interface 22, the radio frequency transceiver (as discussed in the note below), and for controlling data communications therebetween.

Note 1: Column 3 lines 10-12 state that “the camera 10 and cellular phone 28 can be equipped with infrared transmitters and receivers (**or similar devices**), in order to establish a wireless communication link in place of a physical connection.” Radio frequency transmitters are similar to infrared transmitters in that they are used for establishing short range wireless communication between two devices. As such, Reeley et al. would have considered using radio frequency transmitters for establishing wireless data communication.

Reeley et al. does not teach a transfer logic that, in response to the transfer instruction, causes the radio frequency transceiver to transmit one or more selected digital images to a cellular device and to transmit connection instructions to the cellular device that cause the cellular device to establish communication with a network and to transmit the one or more selected digital images to the selected address.

However, Ward et al. teaches a transfer logic that, in response to the transfer instruction, causes the internal communications interface 32 to transmit one or more selected digital images to a cellular device ([0015] line 6-11) and to transmit connection instructions to the cellular device that cause the cellular device to establish

communication with a network and to transmit the one or more selected digital images to the selected address ([0015] lines 19-22).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the system of Reelee et al. with the transfer protocol of Ward et al. as this would allow a user of the camera to transfer images without needing to be close to operate the cellular device manually. For example, when the camera becomes full the user can transfer the images to a remote location without removing their cell phone from their bag or physically connecting the two. All one would have to do is hit the send button and there would be no further need for user intervention.

Claim **10** is a method corresponding to the apparatus of claim **1** and is rejected on the same grounds except applied to a method instead of an apparatus. Note that Ward et al. teaches that the address (phone number) is transferred in the network configuration file (see Fig. 4).

As to claim **2**, Ward et al. further teaches a transfer logic that includes instructions for disconnecting communication with the cellular device when the images are transferred thereto (see Fig. 2 and [0016] - [0019])

Note that the example is given for a wired telephone but it would also be pertinent to an example using a cellular phone as is suggested in line 8 of [0015]. Although Ward et al. does not explicitly say that the camera disconnects from the remote location after the images are transferred it is commonly known in the art to end a

communication after all data has been transferred. Since the camera is controlling the connection, as was discussed in the rejection of claim 1 above, the camera would terminate the communication after the communication is complete.

As to claim 3, see the rejection of claim 1 and note that Reeley et al. further teaches a digital camera wherein the selected address including a plurality of addresses (Column 5 lines 25-38).

As to claim 7, see the rejection of claim 1 and note that Reeley et al. teaches that the camera 10 has an image sensor 44. Reeley et al. does not teach a specific implementation for the imager 44. However, Ward et al. teaches a camera 10 with an imager 22 that is a CCD (see Fig. 1). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a CCD as the image sensor 44 of Reeley et al. as CCDs provide high image quality for a relatively low price.

As to claim 8, see the rejection of claim 1 and note Reeley et al. further teaches including a removable memory card 52 in the digital camera 10 (Column 3 lines 35-42 and Fig. 3).

As to claim 9, see the rejection of claim 1 and note that Ward et al. teaches that images may be sent to one or more email addresses (see [0014] line 5 from the

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bottom).

As to claim **11**, see the rejection of claim **10** and note that Ward et al. teaches that the images may be sent to multiple recipients ([0014] line 5 from the end).

As to claim **17**, Reelee et al. teaches a digital camera comprising: a memory 52 for storing digital images; a wireless short range radio frequency transceiver for communicating with a proximity device having a compatible wireless short range radio frequency transceiver (see Note 1 above).

As discussed above Reelee et al. does not teach a transfer logic that, in response to the transfer mode being selected, generates transfer instructions establishing communication with a proximity device for transferring data.

However, Ward et al. teaches a digital camera 10 comprising a user interface 26 allowing a user to select a transfer mode and select one or more digital images from the memory to be transferred ([0015] lines 19-22), the user interface further allowing the user to select a destination address for the one or more digital images (see Fig. 2 and [0013] the last 5 lines); and a transfer logic that, in response to the transfer mode being selected, generates transfer instructions (from the network configuration file; see [0013] lines 8-10) and establishes communication with a proximity device for transferring the selected one or more digital images to the proximity device (see Fig. 2) and where at least a portion of the transfer instructions are communicated from the digital camera to the proximity device to cause the proximity device to establish communication with a

network for further transfer of the selected one or more digital images to the destination address (see [0015] lines 19-22).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the camera of Reeley et al. with the wireless communication section for wirelessly communicating with a proximity device with the digital camera of Ward et al. with the transfer logic which allows the camera to control the sending of information via a proximity device such as a cellular phone as this would allow a user to transfer images from a camera without having to manually and physically connect it to a proximity device. For example, a user could transfer the images from the camera even if the proximity device were in a bag or a pocket without having to remove it making the process of transferring the images quicker and easier.

As to claim **19**, see the rejection of claim **17** and note that Reeley et al. further teaches the proximity device is a cellular phone 28 having a compatible wireless short range radio frequency transceiver (see Note 1 above) configured to communicate with the digital camera 10, the cellular phone 28 being capable of establishing the wireless network connection (Column 3 lines 1-5 and Fig. 2).

As to claim **21**, Reeley et al. teaches a system for transferring one or more data files from an electronic device to one or more destination addresses, the system comprising: a selection routine that, in response to a request to transfer, reads data

from the electronic device and allows selection of one or more data files for transfer and allows selection of one or more destination addresses to be associated to the one or more data files (Column 5 lines 38-49 and Fig. 3).

However, Reelee et al. does not teach a transfer application for receiving one or more requests to transfer one or more data files; nor does it teach a transfer logic for causing the electronic device to transfer the one or more data files to a proximity device via radio frequency communications (although, as discussed in Note 1 above, it does suggest radio frequency communication), the transfer logic including logic for instructing the proximity device to establish communication with a network to transfer the one or more data files to the one or more destination addresses.

However, Ward et al. teaches a transfer application for receiving one or more requests to transfer one or more data files (see [0015] line 1-2 “the system determines whether a request exists to send an image”). Ward et al. also teaches the transfer logic for instructing a proximity device to establish communication with a network to transfer the one or more data files to the one or more destination addresses (see the rejection of claim 17 above).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the camera of Reelee et al. which transfers data files to one or more addresses using a wireless connection to a proximity device with the transfer logic of Ward et al. which allows the user to control the transfer of images to a remote location through a proximity device using only the camera as this would allow for the user to accomplish this transfer without the proximity device and

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camera of Ward et al. being physically connected with a cable which would allow the proximity device to be located in a bag or a pocket.

As to claim **22**, see the rejection of claim **21** and note that Reeley et al. further teaches that the electronic device is a digital camera 10.

As to claim **24**, see the rejection of claim **21** and note that Ward et al. further teaches that the proximity device may be a telephone connected to the network by a cable ([0016]).

As to claim **25**, see the rejection of claim **21** and note that Reeley et al. further teaches that the proximity device is a cellular device (Column 3 lines 1-5).

As to claim **26**, see the rejection of claim **21** and note that Ward et al. further teaches that the transfer logic is formed as software, hardware, or a combination of both (Ward et al. specifically teaches that "network configuration files" (software) are used to control the transfer of files, see [0016] and [0017]).

As to claim **27**, see the rejection of claim **21** and note that Reeley et al. further teaches that the one or more destination addresses include addresses accessible over a network (Column 3 lines 1-5).

As to claim **28**, see the rejection of claim **21** and note that Reelee et al. further teaches that a radio frequency transceiver could be used for communication with the proximity device (see Note 1 above and Column 3 lines 1-5).

6. Claims **13** and **16** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,893,037 (Reelee et al.) in view of US Pre-Grant Publication 2001/0022618 (Ward et al.) further in view of US 6,750,902 (Steinberg et al.).

As to claim **13**, see the rejection of claim **10** and note that neither Reelee et al. nor Ward et al. teaches automatically deleting images after they have been transferred. However, Steinberg et al. teaches deleting the digital image from the memory of the digital camera 12 after the digital image is transmitted to the proximity device 10 (Column 5 lines 30-73 and Fig. 2). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the step of automatically deleting images once they have been transferred to the method as discussed in the rejection of claim **10** as this create storage space on the memory of the camera for recording more images

As to claim **16**, see the rejection of claim **10** and note that neither Reelee et al. nor Ward et al. teaches transmitting off-line instructions to the proximity device causing the proximity device to transmit the images after the wireless connection between the camera and proximity device is terminated. However, Steinberg et al. teaches that a proximity device 10 can be programmed to automatically detect if a camera is

connected and to load image data from that camera and transmit it at a specified time (see Fig. 14 steps 232 to 240). The camera does not need to be connected when the data is transmitted (Column 11 lines 24-29). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the ability to transmit data after the camera is no longer connected to the proximity device as taught by Steinberg et al. to the method as taught by Reelee et al. in view of Ward et al. as this would allow the data to be transmitted at such a time as the proximity device is not in use for some other purpose. It also has the advantage of being done automatically without further intervention of the user (Steinberg Column 3 lines 6-10).

7. Claim **6** and **15** is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,893,037 (Reelee et al.) in view of US Pre-Grant Publication 2001/0022618 (Ward et al.) further in view of US 6,167,469 (Safai et al.).

As to claim **6**, see the rejection of claim **1** and note that neither Reelee et al. nor Ward et al. teaches that the wireless communications hardware (i.e. the radio frequency transmitter) is formed on a removable communications card. However, Safai et al. a radio frequency transceiver 718 formed on a removable communications card (communication interface 718 is described as a local area network card see Column 18 lines 3-17 and Fig. 7). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the radio frequency transceiver formed on a removable card as taught by Safai in the system taught by Reelee et al. in view of Ward et al. as this would allow a camera user to send images to someone

without having to have access to a personal computer (Safai Column 2 lines 14-25).

As to claim **15**, see the rejection of claim **10** and note that neither Reelee et al. nor Ward et al. teaches a step of allowing the user to select one or more addresses to which one or more images are to be transferred to. However, Safai et al. teaches that a user can select one or more email addresses to which one or more images are to be sent (Column 12 lines 1-14). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the step of allowing a user to select one or more addresses to send one or more images as taught by Safai et al. to the method as taught by Reelee et al. in view of Ward et al. as this would allow a user to send images to multiple recipients as one would if they were to email images using a personal computer without the need for a person to buy a PC (Safai et al. Column 2 lines 14-25).

8. Claims **4**, **5** and **20** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,893,037 (Reelee et al.) US 5,893,037 (Reelee et al.) in view of US Pre-Grant Publication 2001/0022618 (Ward et al.) further in view of US 6,567,502 (Zellner et al.).

As to claim **4**, see the rejection of claim **1** and note that neither Reelee et al. nor Ward et al. teaches that the short range wireless communication is implemented using the IEEE 802.11 standard. However, Zellner et al. teaches short range wireless communication between a proximity device 37 and a host device 41 over a local area network (LAN) using either the IEEE 802.11 or Bluetooth standard (Column 8 lines 5-

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13). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the IEEE 802.11 standard for the short range radio communication of the system as taught by Reelee et al. in view of Ward et al. as the IEEE 802.11 standard lacks directionality and is therefore more suitable for area based transmission (Zellner Column 8 lines 10-13).

As to claim 5, see the rejection of claim 1 and note that as discussed in the rejection of claim 4, Zellner et al. also teaches using the Bluetooth standards for reasons similar to those stated in the rejection of claim 4.

As to claim 20, see the rejection of claim 17 and note that as discussed in the rejection of claim 4, Zellner et al. teaches using the IEEE 802.11 or Bluetooth standard for short range communication between a proximity device 37 and a host 41.

9. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,893,037 (Reelee et al.) in view of US Pre-Grant Publication 2001/0022618 (Ward et al.) further in view of US 6,522,889 (Aarnio).

See the rejection of claim 21 and note that neither Reelee et al. nor Ward et al. teaches that the proximity device is a personal digital assistant (PDA). However, Aarnio teaches a system 10, wherein the mobile station 12 (MS12) is a PDA (column 2 lines 61-65 and Fig. 1). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a PDA as the proximity device in

the system taught by Reelee et al. in view of Ward et al. as a PDA can perform the same functions as a cellular phone and it is well known in the art that a mobile telephone, PDA, as well as any other type of wireless communications devices (MS12) are used to communicate through a mobile wireless network (Aarnio Column 2 lines 61-67).

Allowable Subject Matter

10. Claims 12 and 14 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: see the previous Office Action for reasons for allowance.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dillon Durnford-Geszvain whose telephone number is (571) 272-2829. The examiner can normally be reached on Monday through Friday 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dillon Durnford-Geszvain

12/5/2005


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